REMARKS

I.   Introduction

In response to the Office Action dated July 7, 2004, Applicants have canceled claims 2-6,

without prejudice or disclaimer. Thus, the rejections to claims 2-6 are moot. Applicants have added

new claims 7-17. Support for these amendments can be found, for example, in Figs. 1 and 2A and

their corresponding section of the specification. No new matter has been added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are

patentable over the cited prior art references.

II.   The Rejection Of Claim 1 Under 35 U.S.C. § 102

Claim 1 is rejected under 35 U.S.C. § 102 as being anticipated by USP No. 6,021,168 to

Huh. Applicants respectfully traverse this rejection for at least the following reasons.

Claim 1 recites a time stamp detector for detecting a reference time stamp to generate a

system clock from a transport packet; a time stamp adding unit for adding the reference time stamp

detected by the time stamp detector to the transport packet as a first header information; and a

transmission unit for transmitting the transport packet and the first header information as a

transmission packet.

More specifically, in accordance with one embodiment of the present invention, a data

transmitter comprises a time stamp detector 2 for detecting a reference time stamp in the transport

stream for use in harmonizing a time reference (e.g., absolute time represented by a counted value

of 27 MHz) between a broadcasting station and a receiver, a time stamp adder 8 for adding the

reference time stamp detected by the detector 2, the transmission time stamp produced by the

transmission time stamp generator 7, and a flag for determining the addition of the reference time

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stamp as header information to the data packet of the transport stream (see, e.g., page 4, lines 3-21). Specifically, the data transmitter receives a transport packet, and transmits a transmission packet, where the transmission packet comprises the received transport packet and reference time stamp added to the transport packet as a header information (see, e.g., Figs. 2A and 2B).

In the pending Office Action, the Examiner asserts that the PCR/SCR detector 420 of Huh corresponds to the claimed time stamp detector, the adder/subtractor 430 of Huh corresponds to the claimed time stamp adding unit, and the digital filter 440 of Huh corresponds to the claimed transmission unit.

However, at a minimum, Huh fails to disclose or suggest <u>adding the reference time stamp as a first header information, and transmitting the transport packet and the first header information as a transmission packet</u>, as recited by claim 1. Indeed, it would appear that Huh merely discloses a PCR/SCR detector 420 for detecting a 42-bit PCR or SCR, an adder/subtractor 430 for subtracting a 32-bit output value from the 32-bit counter from the detected PCR or SCR starting from the least significant bit to generate a 42-bit first value, and a digital filter 440 for digitally filtering the second value from the add/subtractor 430 to generate a 16-bit digital value (see, col. 5, lines 41-50 and lines 65-67). As such, nowhere does Huh disclose or suggest either adding the reference time stamp to the transport packet as first header information or transmitting the transport packet with the first header information as a transmission packet in the manner alleged in the Office Action.

Thus, as anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp., 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983)*, and at a minimum, Huh fails to disclose the foregoing claim elements, it is clear that Huh does not anticipate claim 1 or any of the claims dependent thereon.

Furthermore, it does not appear that Huh or any of the cited references discloses or suggests the claim elements recited by new claims 7, 8, 9, 10, 11, 12, 13 and 14. Accordingly, it is respectfully submitted that claims 7, 8, 9, 10, 11, 12, 13 and 14 are patentably distinct over the cited prior art.

III. All Dependent Claims Are Allowable Because The Independent Claims From Which They Depend Are Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co., 819 F.2d at 1100, 1108 (Fed. Cir. 1987)*. Accordingly, as claims 1, 7, 8, 9, 10, 11, 12, 13 and 14 are patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also in condition for allowance.

For all of the foregoing reasons, it is submitted that new dependent claims 15, 16 and 17 are also patentable over the cited prior art.

IV. Conclusion

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited.

If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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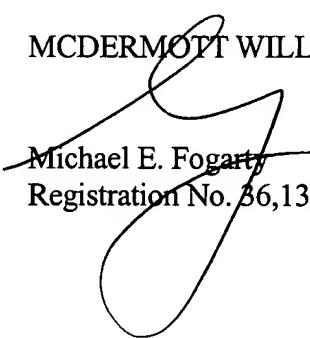
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